REMARKS

In the Office Action, the Examiner objected to the drawings under 37 C.F.R. § 1.83(a); rejected claim 11 under 35 U.S.C. § 112, second paragraph[1]; rejected claims 11, 18, 25, and 26 under 35 U.S.C. § 103(a) as unpatentable over U.S. Patent No. 5,659,411 to Nito et al. in view of U.S. Patent No. 5,078,477 to Jono et al. and U.S. Patent No. 6,259,492 to Imoto et al.; and rejected claims 12-14, 16, 19-21, and 23 under 35 U.S.C. § 103(a) as unpatentable over Nito et al. in view of Jono et al., Imoto et al. and U.S. Patent No. 5,459,481 to Tanaka et al.

Applicant has amended Figs. 10 and 11, and the specification in order to more appropriately describe the invention. Claims 11-14, 16, 18-21, 23, 25, and 26 are pending in the patent application.

With respect to the Examiner's objection to the drawings, the Examiner contends that the claimed "'driving circuit' ... must be shown or the feature(s) canceled from the claim(s)." Office Action at page 2. The Examiner further argues that "[i]n figure 11 and in the specification the element [15] indicates a power supply circuit and has never been disclosed as '**A driving circuit**'." Emphasis in original. Office Action at page 5. Applicant respectfully disagrees. In order to expedite prosecution of the present case, however, Applicant has amended Figs. 10 and 11, subject to the approval of the Examiner, to change the legend "Power Supply Circuit" in each of these figures to "Driving Circuit" (see attached Replacement Sheets 9/11 and 10/11). In addition, the specification has been amended at pages 11-14 to reflect Applicant's proposed changes to Figs. 10 and 11. Support for these changes, as well as the drawing

[1] The Examiner did not specify which paragraph of section 112 that claim 11 was rejected under. However, Applicant assumes that the Examiner's rejection is under section 112, second paragraph, because the Examiner alleged lack of antecedent basis for a claim element which normally falls under this paragraph. Nonetheless, Applicant requests that the Examiner clarify this rejection in the next Office correspondence.

amendments, may be found in the specification, for example, at page 11, line 30 – page 12, line 1 ("[t]he power supply circuit 15 ... scanning voltage waveform generating circuit 13 and signal voltage waveform generating circuit 14 .... **These circuits constitute the display driving circuit.**" Emphasis added.)

Applicant respectfully traverses the Examiner's rejection of claim 11 under 35 U.S.C. § 112, second paragraph. The Examiner again alleges that the term "the driving circuit" recited at line 9 of claim 11 lacks antecedent basis. (Office Action at p. 2). As noted in Applicant's Amendment dated January 14, 2004, lines 1-3 of claim 11, recite "an antiferroelectric liquid crystal between a pair of substrates, which comprises **a driving circuit**" (emphasis added), and thus provide antecedent basis for the subsequent recitation of "the driving circuit" recited at line 9 of the claim (see page 7 of Applicant's Amendment). Accordingly, Applicant respectfully submits that claim 11 complies with 35 U.S.C. § 112, second paragraph.

Applicant respectfully traverses the Examiner's rejection of claims 11, 18, 25, and 26 under 35 U.S.C. § 103(a) as being unpatentable over Nito et al. in view of Jono et al. and Imoto et al.; and the rejection of claims 12-14, 16, 19-21, and 23 under 35 U.S.C. § 103(a) as being unpatentable over Nito et al. in view of Jono et al., Imoto et al. and Tanaka et al. In addition, to the applied documents failing to teach or suggest each and every limitation recited in the claims, Applicant submits that Imoto et al. does not constitute prior art pursuant to 35 U.S.C. §§ 119(a) and 103(c), and the Examiner's rejections should therefore be withdrawn.

In particular, Applicant notes that the present application is a continuation of Application No. 09/423,465 which was filed on November 9, 1999 and which claims the benefit of priority based on Japanese Patent Application Serial No. 10-57689, filed March 10, 1998. *See* 35 U.S.C.

§ 119(a). The face of the Imoto et al. patent clearly indicates that it has an effective "§ 102(e)" date of October 5, 1998, more than six months after Applicant's priority date.

Imoto et al. was previously applied by the Examiner in an Office Action dated February 28, 2002. In response, Applicant submitted a certified translation of Applicant's priority document along with Applicant's Amendment dated June 28, 2002 to remove Imoto et al. as a prior art reference. The Examiner has not objected to the certified translation, and thus Applicant's priority claim is deemed to have been perfected. A copy of the certified translation is attached hereto for the Examiner's convenience.

Moreover, pursuant to 35 U.S.C. § 103(c):

> Subject matter developed by another person, which qualifies as prior art only under one or more of subsections (e), (f), and (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claim invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

As noted above, Imoto et al. has a filing date of October 5, 1998, and an issue date of July 10, 2001. Applicant's effective U.S. filing date is November 19, 1999. Accordingly, even if Imoto et al. were to constitute prior art (which it does not), it could do so only under one or more of 35 U.S.C. § 102(e), (f) or (g). As stated above, pursuant to § 103(c), prior art under § 102(e) shall not preclude patentability of an invention if the invention was (1) developed by another person and (2) commonly owned or subject to an obligation of assignment to the same person. Imoto et al. meets both of these requirements of § 103(c).

First, the inventors of Imoto et al. are Satoshi Imoto and Heihachiro Ebihara, while the inventor of the present application is Shinya Kondoh. The present application, therefore, is to "another", as set forth in § 103(c).

Second, the present application is assigned to Citizen Watch Co., Ltd., which is the same entity named as the assignee listed on the face of Imoto et al., as further required by § 103(c). The undersigned attorney therefore states on behalf of Applicant that the present application and Imoto et al. were, at the time the present invention was made, owned by, or subject to an obligation of assignment to, the same corporate entity, i.e., Citizen Watch Co., Ltd. Accordingly, 35 U.S.C. 103(c) operates to remove the '084 patent as prior art in the present application for this reason also.

Since Imoto et al. does not qualify as prior are art pursuant to either 35 U.S.C. § 119(a) or 103(c), Applicant respectfully requests that the rejection of claims 11, 18, 25, and 26 under 35 U.S.C. § 103(a) as being unpatentable over Nito et al. in view of Jono et al. and Imoto et al., as well as the rejection of claims 12-14, 16, 19-21, and 23 under 35 U.S.C. § 103(a) as being unpatentable over Nito et al. in view of Jono et al., Imoto et al. and Tanaka et al. be withdrawn.

In view of the foregoing, Applicant respectfully requests reconsideration and reexamination of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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GARRETT & DUNNER, L.L.P.

Dated: August 23, 2004

By: _____
David L. Soltz
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Attachments: Replacement Sheets 9/11 and 10/11
Copy of Certified Translation of Japanese Application
Serial No. 10-57689